CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving the third and final one-year renewal option, with Tremont Towing Services and Beach Towing Services, Inc., commencing on March 1, 2005, and expiring on February 28, 2006, for towing services for the Police and Parking Departments.

Issue:

Should each of the two respective towing permits with Beach and Tremont Towing Services be extended for the third and final one-year term and should the maximum allowable towing rate for Class "A", "B", "C", and "D" be increased by \$10.00 for Year 2005/2006 as agreed upon in last year's permit renewal, effectively increasing Class "A" tows from \$105.00 to \$115.00, which includes most cars, pick-up trucks, and SUVs; Class "B" would increase from \$135 to \$145; Class "C" would increase from \$165 to \$175; and Class "D" would increase from \$190 to \$200?

Item Summary/Recommendation:

The Administration recommends approving the third and final one-year renewal option with both Beach and Tremont Towing Services, respectively, commencing on March 1, 2005 and expiring on February 28, 2006. Both services providers are the only qualified towing service providers satisfying the minimum vehicle storage requirements (capacity for storage of 100 vehicles) within the city limits. In addition, both towing service providers have been responsive to inquiries from the Administration including customer service issues, complaints, and their prompt resolution. It is further recommended that the issue of private property towing be referred to the City's Neighborhood Committee in order to review and discuss the City Code as it relates to towing from private property.

The Transportation and Parking Committee endorsed this recommendation on Monday, February 7, 2005.

Financial Information:

Source of		Amount Account	Approved
Funds:	1		on the angular massage of the second
	2		
	3		·
	4		
Finance Dept.	Total		

Sign-Offs:

Department Director	Assistant City Manager City Manager
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AGENDA ITEM

2-23-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: February 23, 2005

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE THIRD AND FINAL ONE (1) YEAR RENEWAL TERM WITH BEACH TOWING SERVICES, INC. AND TREMONT TOWING SERVICES, INC., RESPECTIVELY; COMMENCING ON

MARCH 1, 2005, AND EXPIRING ON FEBRUARY 28, 2006.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

<u>ANALYSIS</u>

The towing service providers Tremont Towing located at 1916 Bay Road, Miami Beach, Florida and Beach Towing, located at 1349 Dade Boulevard, Miami Beach, Florida, each currently have a permit issued by the City to provide towing services to the Police and Parking Departments. On November 20, 1996, the Mayor and City Commission waived, by a 5/7ths vote, the competitive bidding requirement, and approved an extension of the towing permits for a period of two years, to expire on November 30, 1998. On November 18, 1998, the Mayor and City Commission approved two (2) additional one (1) year options, to be renewed at the sole discretion of the City. The second one (1) year option expired on November 30, 2000. On October 18, 2000, the Mayor and City Commission waived, by a 5/7ths vote, the competitive bidding requirement, and approved a two (2) year contract, with three (3) one-year options, to be renewed at the sole discretion of the City. On January 14, 2004, the Mayor and Commission approved the second of three one-year renewal terms, which commenced on March 1, 2004 and expires on February 28, 2005.

The Administration, including the Police Department and the Parking Department are satisfied with the level of service provided by both Beach Towing Services, Inc. and Tremont Towing Services, Inc. Moreover, both service providers are the only qualified towing service providers satisfying the minimum vehicle storage requirements (capacity for storage of 100 vehicles) within the city limits. Also, the City's TPC (Transportation and Parking Committee) endorsed this recommendation at their regularly scheduled meeting held on Monday, February 7, 2005.

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Vehicle Storage Analysis

Vehicle impoundment is a traffic/parking management tool that removes an unauthorized vehicle so that either public safety is maintained or an authorized vehicle may take its place. A byproduct is that towing is an educational tool which acts as a disincentive for illegal parking; however, this disincentive must be kept reasonable. The Administration reviewed the notion of relaxing the storage requirements to allow towing service provider's storage lots to be on the mainland in an effort to establish more competition and possibly reduce towing rates. This initiative may seem reasonable at first glance; however, when further dissected it is not a viable option in the best interest of the citizenry. It is an unreasonable burden to require customers to travel from Miami Beach to a great distance elsewhere in Miami-Dade County to retrieve their impounded vehicle. Residents and particularly visitors and tourists that are unfamiliar with Miami Beach, not to mention Miami-Dade County, would be required to travel to other areas of the County and incur an added expense of transportation to retrieve their vehicle. Additionally, there is no guarantee that towing rates would be either moderately or significantly less than current rates. Vehicle impoundment has an intangible adverse impact. This should not be exacerbated by requiring patrons to retrieve their vehicle on the mainland and further their inconvenience. frustration, and anxiety experienced in such an ordeal.

It is reasonable and user-friendly to maintain the vehicle storage requirement within the city limits. This is particularly evident when considering that the City's maximum allowable towing rates are comparable to other governmental entities in the State of Florida. Maximum allowable towing rates are governed by Miami-Dade County for all municipalities. except Miami Beach, which has adopted a "home rule" approach regarding maximum allowable towing rates. This is predominantly due to the high cost of insurance rates and property taxes associated with maintaining a towing storage facility within the City limits. In comparing maximum allowable towing rates to a sampling of local municipalities, counties, and the State, the following chart outlines maximum allowable towing rates statewide:

Florida Counties	Class "A"	Adm. Fee	Labor Fee	Storage Fee	Total
Lakeland County	\$100.00	\$75.00	\$50.00	N/A	\$225.00
Pinellas County	\$100.00	\$30.00	\$50.00	\$30.00	\$210.00
City of Miami Beach	\$115.00*	\$30.00	\$25.00	\$25.00	\$195.00
City of Orlando	\$110.00	\$35.00	\$50.00	N/A	\$195.00
Florida Highway Patrol	\$101.00	\$42.00	\$24.75	\$20.00	\$187.75
Miami-Dade County	\$101.00	\$30.00	\$24.75	\$20.00	\$175.75
City of Hialeah	\$101.00	\$30.00	\$24.75	\$20.00	\$175.75
City of Coral Gables	\$101.00	\$30.00	\$24.75	\$20.00	\$175.75
Town of Surfside	\$101.00	\$30.00	\$24.75	\$20.00	\$175.75
Town of Bay Harbor Isles	\$101.00	\$30.00	\$24.75	\$20.00	\$175.75
Polk County	\$100.00	N/A	\$50.00	\$20.00	\$170.00
Notes: N/A – Not Available					

N/A – Not Available

^{*}Includes \$10.00 increase for 2005 approved in 2004.

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Service Provider Responsiveness:

Both towing service providers have provided efficient and expedient responses to requests for service from both the Police and Parking Departments. In addition, both have cooperated in the investigation and remedy to complaints.

Customer Service/T.A.C.C.T. (Towing And Customer Contact Training)

Employees of the towing operators represent the City in their role as service providers. The towing industry is a challenging one from a customer relations standpoint. Nevertheless, it is our (City's and service provider's) responsibility to ensure the highest levels of customer service are provided to our residents, visitors, and tourists. To this end, all employees of the towing service providers that may have contact with customers and/or the general public have attended the City's TACCT (Towing and Customer Contact Training). This training session specifically addresses customer relations training, including diffusing situations, demeanor/body language, and conflict resolution. Incidentally, a new module has been included regarding safe driving for both "T.A.C.C.T. and "V.O.T.E." (Valet Operators' Training on Enforcement) that is being provided by the City's Police Department. All employees of the service providers that have customer contact have attended this training.

Complaints/Sanctions:

It is the responsibility of the service provider to address customer service issues in a polite, courteous, and respectful manner, regardless of the comportment of the complainant. Clearly, verbal or physical abuse is unacceptable and police assistance has been sought if and when a conflict escalates and it is deemed necessary. The City reserves the right, in its sole discretion, to have the service provider refund all or any portion of the towing fees to the complainant, as liquidated damages, should the City rule in favor of the complainant. The towing service providers have complied with all requests for inquiries regarding complaints and have complied with all sanctions levied.

In addition, in last year's contract renewal, an increase in the maximum allowable towing rate for Class "A"; "B", "C", and "D" tows was included for Year 2005/2006 of the towing permits for both service providers. The agreed upon increase was \$10.00 for each respective Class of Tow; therefore, Class "A" tows would increase from \$105.00 to \$115.00, which include most cars, pick-up trucks, and SUVs; Class "B" would increase from \$135 to \$145; Class "C" would increase from \$165 to \$175; and Class "D" would increase from \$190 to \$200.

Private Property and Public Property Towing

Recently, a number of complaints regarding predominantly private property tows have surfaced through the Media, Mayor and Commission Office, and the City Manager's Office. It is important to distinguish the difference between private property tows and public

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property tows. Private property owners have the right to contract towing service providers to remove unauthorized vehicles from their property. These private property owners contractually authorize the towing service providers to remove unauthorized vehicles without the owner/agent of the property being present. These are civil matters and although the City Code does, to some extent, regulate private property towing, the City neither initiates, controls, nor benefits from these tows.

Conversely, public property tows are initiated by either the City's Police or Parking Department for the impoundment of vehicles that are either illegally parked or by order of the Police due to accidents and/or are related to criminal investigations. In all circumstances, an agent of the City (police officer or parking enforcement specialist) initiates the tow and is present throughout the entire impoundment process. The City's agent dictates the disposition of the towed vehicle at all times. The towing service providers may not tow vehicles unless it is expressly requested and authorized by the City. Clearly, some public property tows are contested; however, most towing complaints received by the City are generated by private property owners on private property and are not actions generated by or currently within the purview of the City. It is further recommended that the issue of private property towing be referred to the City's Neighborhood/Community Affairs Committee in order to review and discuss the City Code as it relates to towing from private property.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve exercising the third and final one (1) year renewal option, commencing on March 1, 2005 and expiring on February 28, 2006. The Transportation and Parking Committee has also endorsed the recommendation at their meeting on February 7, 2005.

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RESOLUTION	NO.	

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE THIRD AND FINAL ONE-YEAR RENEWAL TERM OF THE TOWING PERMITS WITH BEACH TOWING SERVICES, INC. AND TREMONT TOWING SERVICES, INC., RESPECTIVELY; BOTH TERMS COMMENCING ON MARCH 1, 2005, AND EXPIRING ON FEBRUARY 28, 2006.

WHEREAS, Chapter 106, Article V of the Miami Beach City Code, provides for police vehicle towing permits for the towing of vehicles identified by the City as requiring removal from public and private property; and

WHEREAS, the City issued Request for Proposals No. 1-91/94 for Providing Police and Parking Department Towing Services in the City of Miami Beach, and thereafter the Mayor and City Commission selected Beach Towing Services, Inc. and Tremont Towing Services, Inc., respectively, as the successful proposers to provide these services; and

WHEREAS, pursuant to Resolution No. 95-21615, the Mayor and City Commission extended the towing permits issued for Beach Towing Service, Inc. and Tremont Towing Service, Inc. for a fifteen (15) month period that commenced on July 1, 1995, and expired on September 30, 1996; and

WHEREAS, on June 21, 1996, the Mayor and City Commission approved a second extension of the permits for a period of sixty (60) days, from September 30, 1996 to November 30, 1996, to negotiate additional terms and conditions of the towing permits with Beach Towing Service, Inc. and Tremont Towing Service, Inc.; and

WHEREAS, on November 20, 1996, the Mayor and Commission approved an extension of the towing permits for a period of two (2) years, expiring on November 30, 1998, with a one (1) year option, to be renewed at the sole discretion of the City; and

WHEREAS, on November 18, 1998, the Mayor and Commission approved the two (2) one-year renewal options of the towing permits, expiring on November 30, 1999 and 2000, respectively; and

WHEREAS, on October 18, 2000, the Mayor and Commission waived, by a 5/7th vote, the competitive bidding requirement and approved a two-year towing permits with Beach Towing Services, Inc., and Tremont Towing Services, Inc., expiring on November 30, 2002, with three additional one-year terms, to be renewed at the sole discretion of the City; and

WHEREAS, on October 23, 2002, the Mayor and Commission approved the first of three one (1) year renewal terms for the permits, commencing on December 1, 2002 and expiring on November 30, 2003; and

WHEREAS, on October 15, 2003, the Mayor and Commission approved a three (3) month extension, commencing on December 1, 2003 and expiring on February 29, 2004, allowing for the Administration and towing service providers to negotiate contract terms; and

WHEREAS, on January 14, 2004, the Mayor and Commission approved the second of three one (1) year renewal options, which commenced on March 1, 2004 and expires on February 28, 2005; and further approved maximum allowable towing rate for Class "A", "B", "C", and "D" tows by \$10 in 2004 and 2005; increased the Administrative Fee of \$25 to \$30 for all non-consensual tows; established a fee of \$20 in 2004, and \$25 in 2005, for labor performed only when access to the vehicle is required in order to properly engage/tow vehicle; increased indoor storage fees from \$25 to \$30; and provided for Customer Service Training/Informational Items and Complaints/Sanctions; and

WHEREAS, Beach Towing Services, Inc. and Tremont Towing Services, Inc. continue to be the only two service providers which satisfy all requirements as stipulated in the City's towing permit requirements, including the ability to provide storage facilities within the City limits; and

WHEREAS, the Administration, including the Police Department and the Parking Department, are satisfied with the level of service provided by both Beach Towing Services, Inc. and Tremont Towing Services, Inc., and herein recommend exercising the third and final one-year renewal term, commencing on March 1, 2005, and expiring on February 28, 2006.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, upon recommendation of the Administration, approve the third and final one-year renewal term of the towing permits with Beach Towing Services, Inc. and Tremont Towing Services, Inc., respectively; both terms commencing on March 1, 2005, and expiring on February 28, 2006. Accordingly, the Mayor and City Clerk are herein authorized to execute any and all documents memorializing this extension.

PASSED AND ADOPTED this	day of	, 2005
	_	MAYOR
ATTEST:		APPROVED AS TO
CITY CLERK		FORM & LANGUAGE & FOR EXECUTION

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